



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 27, 2005

SUBJECT: **2005-0418** - Application for a Use Permit on a 6,785 project square foot site to allow a large family day care to be located within 300 feet of an existing large family day care for up to 14 children. The property is located at **330 Jackson Avenue** in an R-0 (Low Density Residential) Zoning District (APN: 204-41-008):

Motion **Use Permit** to allow a Large Family Day Care at a single-family home within 300 feet of an existing large family day care for up to 14 children;

REPORT IN BRIEF

Existing Site Conditions Single family home in Low Density Residential area with an existing Large Family Day Care Center on the same block.

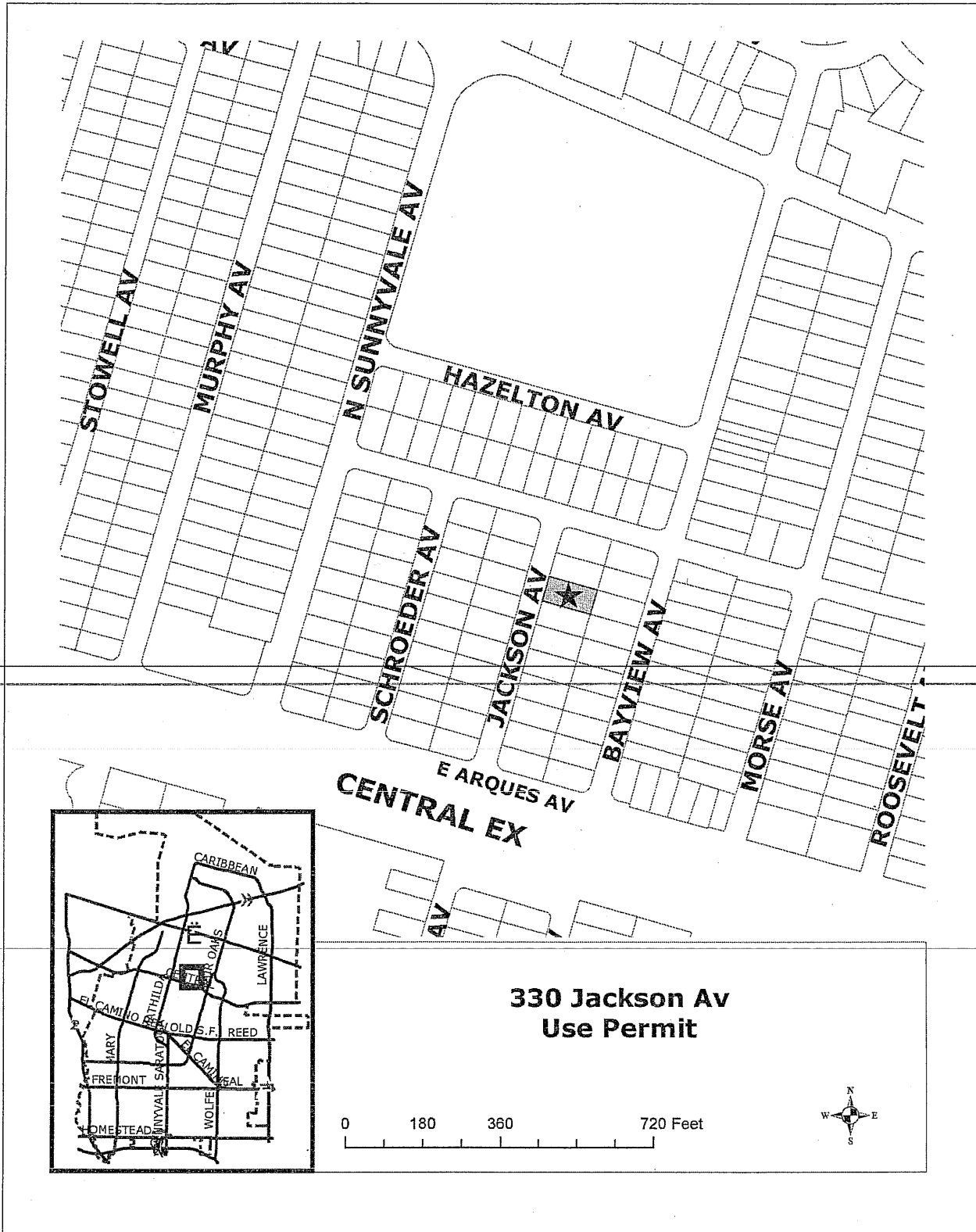
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Compatibility of Use with existing day care,
Traffic and parking issues

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	6,785	Same	6,000 min.
Gross Floor Area (s.f.)	2,014	Same	3,053 max.
No. of Stories	1	Same	2 max.
Landscaping (sq. ft.)			
Total Landscaping	4,171	Same	1,357 min.
Parking			
Total Spaces	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing a large family day care within an existing single family home in a low density residential area. There is an existing large family day care home located on the same block, four houses away and across the street (approximately 180 feet away, see Attachment D). The Code prohibits the establishment of a large family day care home within 300 feet of a parcel with another similar use (SMC 19.58.020) without approval of a Use Permit by the Planning Commission. The applicant is seeking approval of a waiver to this 300 foot separation requirement.

The applicant has been operating a large family day care (with a total of 8 children) at 393 Beemer Avenue in Sunnyvale since 1985. The applicant and her family have recently relocated to 330 Jackson and would like to continue providing child care services for her established client base.

The hours of operation would be 7:00 a.m. to 6:00 p.m. with children arriving at different times during the day (see Attachment E for letter with current scheduling). The applicant seeks to provide child care services for a total of 14 children, including her two teenage children.

Background

Previous Actions on the Site: There are no previous planning permits at the subject site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes change of use.

Use Permit

Use: A Use Permit is required in order to grant a waiver to the limits in the placement of a large family day care (LFDC) home within 300 feet of an existing LFDC home. The applicant is proposing a total of 14 children for the day care center. The ages range from infant to teenage children. The LFDC home is to be operated by the applicant who resides at the site. The hours of operation are from 7:00 a.m. to 6:00 p.m. Monday through Friday.

It should be noted that the applicant could legally provide day care services for up to 7 children (Small Family Day Care) without undergoing this Use Permit process.

Site Layout: There is no proposed change to the existing single-family home which has a front and backyard area that may be used as open space.

Parking/Circulation: The 300 block of Jackson Street is approximately 600 feet long with ten houses on either side of the street. Street parking is available along both sides of the street. *Quality Time Family Day Care*, the existing day care located at 313 Jackson Street, currently uses street parking for pick-up and drop-off (see Attachment D). The hours of operation for the existing day care are 6:30 a.m. to 6:00 p.m.

The proposed day care would allow parents to drop off their children at anytime throughout the day during the stated business hours of 7:00 a.m. to 6:00 p.m. While the parents may legally park in any of the street parking spaces along Jackson Street, the applicant has indicated that she will instruct parents to only use her driveway and the street parking in front of her home.

Noise: This issue involves the potential impact on the surrounding neighborhood of the noise caused by the additional children located on the subject site. Staff is concerned that the additional children, in conjunction with the other allowable day care children located along the same block, may

result in high noise levels for the neighbors. The 300 foot requirement was established partially to protect property owners from the undue concentration of LFDC uses and the noise associated with those uses.

Compliance with Development Standards and Expected Impact on the Surroundings: The following section of the Sunnyvale Municipal Code applies to this proposal (SMC 19.58.070.b.1):

The Planning Commission may grant a waiver and associated use permit upon finding that a waiver would not be detrimental or injurious to the property or improvement, or uses in the immediate vicinity.

The key element to be considered with this Use Permit is the effect of having a large family day care closer than 300 feet to an existing day care. Jackson Street is a quiet residential street. Several neighbors have stated their concerns, noting that the existing day care center already has an impact on the neighborhood and that the additive result of another large family day care will result in excessive noise and traffic/parking congestion issues. Conversely, the applicant has noted an established track record of providing services that have a minimal impact on neighboring properties.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The City mailed 75 notices to the surrounding neighbors, including the President of the Lowlanders Neighborhood Association. Two letters were returned by the Post Office as "vacant" or "forwarding order expired". According to the applicant, she made or attempted to make contact with all of the neighbors on the 300 block of Jackson Street, informing them of her intent and answering questions.

To date, staff has received 26 responses via telephone, email or letters from interested residents on this project. Of the total, 7 expressed opposition or reservations, emphasizing that the block is already impacted by the existing day care center and highlighting their concerns with additional traffic, inadequate parking, and noise (see Attachment G). The applicant has provided 17 letters in support from her clients and former neighbors, indicating the value of her services and the minimal impact her day care center has had on her former neighbors (see Attachment F). One of the calls was from a neighbor residing on the next block over and wanting clarification on the location. One letter was from the owners of the existing child care center, encouraging the

Planning Commission to be responsive to the concerns of the neighbors and offering some advice on restrictions for day care center (letter in Attachment H).

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 75 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: While the applicant has established a track record of providing child care services that have a low impact on the neighboring properties, the cumulative affect of having two day care centers within 180 feet of each other on a quiet neighborhood street is expected to result in an undue burden on the neighboring properties.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

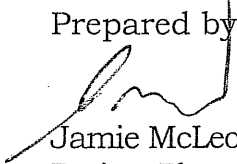
Alternatives

1. Deny the Use Permit.
 2. Approve the Use Permit with attached conditions.
 3. Approve the Use Permit with modified conditions.
-

Recommendation

Alternative 1.

Prepared by:



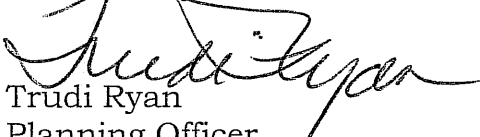
Jamie McLeod
Project Planner

Reviewed by:



Gerri Caruso
Principal Planner

Reviewed by:



Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Floor Plan and Aerial Photograph of Site
- D. Map of surrounding area with nearby Large Family Day Care facility
- E. Letter – from the Applicant
- F. Letters – Support
- G. Letters – Concerns or Against
- H. Letters – Other Interested Parties

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Sub-Element. N1.4.3 – *Encourage and support home businesses that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood.*

Housing and Community Revitalization Sub-Element. C.6.a – *Continue to implement the home occupation regulations that allow businesses that do not affect the primary residential character of the neighborhood and that do not involve retail sales, large inventories, hazardous materials, or traffic or parking problems. Such businesses may not be operated in the yard or garage.*

Staff has made the following Finding (per SMC 19.58.070.b.1):

1. *The Planning Commission may grant a waiver and associated use permit upon finding that a waiver would not be detrimental or injurious to the property or improvement, or uses in the immediate vicinity. Although the proposed use is a desirable addition to the community, it could be materially detrimental to the public welfare or injurious to the adjacent properties or uses within the immediate vicinity, especially the neighboring properties along Jackson Street. Even with the applicant's track record of courteous services, the cumulative effect of having two large family day care centers, with the associated traffic and noise, may have a harmful impact on the surrounding properties*

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- E. The use shall be limited to the hours between 7:00 a.m. and 6:00 p.m. from Monday through Friday.

2. PARKING

- A. All customers shall park in the applicant's driveway or in front of the applicant's home for drop-off and pick-up.